

48A C.J.S. Judges § 148

Corpus Juris Secundum | August 2023 Update

Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D.; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

VI. Authority, Powers, and Duties

B. Administrative Powers and Duties

§ 148. Control over personnel

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A judge may hire, supervise, and discharge court personnel, and an administrative judge is to supervise the assignment of actions for trial, supervise court personnel involved in the assignment of cases, and receive reports from such personnel.

Personnel decisions are administrative functions, not judicial functions.¹

A judge has the inherent power to hire, supervise, and discharge court personnel.² A judge may have the power to appoint his or her own personal assistant or confidential clerk,³ but in view of the separation of powers doctrine, judges do not have the inherent power to put into effect new salary scales for secretaries which they, rather than a legislative body, have proposed.⁴

Judges are required to supervise their staffs and make sure they follow the Code of Judicial Conduct.⁵

In exercising supervisory control over official staff, a judge or justice may, without creating the appearance of impropriety, occasionally ask members of his or her personal staff to voluntarily perform a personal task which interferes only minimally with the performance of their other duties; however, the actions of a judge requiring the extensive performance of personal tasks as a condition of employment will not be condoned.⁶

Assignment of personnel.

An administrative judge with overall responsibility for the administration of a court has the power and duty to assign trial judges⁷ and other court personnel,⁸ including clerical personnel,⁹ anywhere in the court.¹⁰ The administrative judge is to supervise the assignment of actions for trial, supervise court personnel involved in the assignment of cases, and receive reports from such personnel.¹¹

An administrative judge is not required to follow statutory procedures governing the removal of judges when he or she consolidates related cases and assigns them to another judge even if the judge who has originally been assigned one of the cases does not consider the case as a result.¹²

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Footnotes

- 1 U.S.—*In re Judicial Misconduct*, 726 F.3d 1060 (9th Cir. 2013).
- 2 U.S.—*Miller v. Clinton County*, 544 F.3d 542 (3d Cir. 2008).
Ala.—*In re Ingram*, 356 So. 2d 618 (Ala. 1978).
Pa.—*Lehigh County v. Com.*, Pennsylvania Labor Relations Bd., 507 Pa. 270, 489 A.2d 1325 (1985).
- 3 N.Y.—*Cohen v. City of New York*, 42 Misc. 2d 871, 249 N.Y.S.2d 264 (App. Term 1964), order aff'd, 22 A.D.2d 854, 255 N.Y.S.2d 643 (2d Dep't 1964).
- 4 Ala.—*Morgan County Commission v. Powell*, 292 Ala. 300, 293 So. 2d 830 (1974).
- 5 Wyo.—*Majors v. State*, 2011 WY 63, 252 P.3d 435 (Wyo. 2011).
- 6 W. Va.—*Matter of Neely*, 178 W. Va. 722, 364 S.E.2d 250 (1987).
- 7 Md.—*State v. Frazier*, 298 Md. 422, 470 A.2d 1269 (1984).
- 8 Mo.—*Gregory v. Corrigan*, 685 S.W.2d 840 (Mo. 1985).
Pa.—*Petition of Blake*, 527 Pa. 456, 593 A.2d 1267 (1991).
- 9 Mo.—*Gregory v. Corrigan*, 685 S.W.2d 840 (Mo. 1985).

- 10 Mo.—Gregory v. Corrigan, 685 S.W.2d 840 (Mo. 1985).
- 11 Md.—State v. Frazier, 298 Md. 422, 470 A.2d 1269 (1984).
- 12 Kan.—Cooper v. Re-Max Wyandotte County Real Estate, Inc., 241 Kan. 281, 736 P.2d 900 (1987).

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